

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARCEL PORTRA SAUNDERS,

Defendant.

CR 23–2–BU–DLC

ORDER

Before the Court is the United States’ Unopposed Motion to Dismiss Indictment and Superseding Indictment Without Prejudice. (Doc. 38.) The motion seeks to dismiss the Indictment (Doc. 2) and Superseding Indictment (Doc. 24) without prejudice pursuant to FED. R. CRIM. P. 48(a). (Doc. 38 at 1–2.) Defendant Darcel Portra Saunders does not object to the motion. (*Id.* at 2.)

Federal Rule of Criminal Procedure 48(a) states the government “may, with leave of court, dismiss an indictment.” A court may “deny a government dismissal motion to which the defendant has consented if the motion is prompted by considerations clearly contrary to the public interest.” *United States v. Weber*, 721 F.2d 266, 268 (9th Cir. 1983) (quoting *Rinaldi v. United States*, 434 U.S. 22, 29 n.15 (1977)).

Here, the basis for the motion is not clearly contrary to the public interest.

The Government represents that “the parties have reached an agreement to resolve this case via a pretrial diversion in which Saunders will fulfill certain terms and abide by delineated conditions of supervision for a term of 12 months.” (Doc. 39 at 2.) The United States Probation Office will supervise Saunders, and should Saunders successfully complete her period of supervision, the United States will move to dismiss the underlying criminal charges with prejudice. (*Id.*) The Court agrees with the Government that “the proposed dismissal is in furtherance of the public interest by preserving judicial resources while obtaining a resolution satisfactory to both parties.” (*Id.* at 3.)

Accordingly, IT IS ORDERED that the motion (Doc. 38) is GRANTED.

IT IS FURTHER ORDERED that the Indictment (Doc. 2) and Superseding Indictment (Doc. 24) are DISMISSED without prejudice.

DATED this 20th day of July, 2023.



Dana L. Christensen, District Judge
United States District Court